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11 JAREK MOLSKI
12 and DISABILITY RIGHTS
13 ENFORCEMENT, EDUCATION
14 SERVICES: HELPING YOU
15 HELP OTHERS

E-FILED - 10/6/05

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 JAREK MOLSKI, an individual; and) CASE NO. C04-02416 RMW
19 DISABILITY RIGHTS ENFORCEMENT,)
20 EDUCATION SERVICES:HELPING YOU)
21 HELP OTHERS, a California public benefit)
22 corporation,)
23 Plaintiffs,)
24 v.)
25 TINY'S RESTAURANT, INC., a California)
26 corporation; TINY'S RESTAURANT,)
27 LLC., a California limited liability)
28 company; and GEORGE OW, JR., DAVID)
L. OW and TERRY L. OW, as trustees of)
the OW CHILDREN'S TRUST, dated)
December 23, 1993,)
Defendants.)

29 Plaintiffs JAREK MOLSKI and DISABILITY RIGHTS ENFORCEMENT,
30 EDUCATION SERVICES, by and through their counsel, and defendant TINY'S
31 RESTAURANT, INC., a California corporation; TINY'S RESTAURANT, LLC., a California
32 limited liability company; and GEORGE OW, JR., DAVID L. OW and TERRY L. OW, as
33 trustees of the OW CHILDREN'S TRUST, dated December 23, 1993, by and through their
34 counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to

35 STIPULATION OF DISMISSAL AND ORDER THEREON

1 Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release
2 ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further
3 consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See*
4 Kokonen v. Guardian Life Ins. Co., 511 U.S. 375 (1994) (empowering the district courts to retain
5 jurisdiction over enforcement of settlement agreements).

6 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
7 their designated counsel that the above-captioned action be and hereby is dismissed with
8 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

9 This stipulation may be executed in counterparts, all of which together shall constitute
10 one original document.

11 Dated: August 19, 2005

12 THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

13 By: _____/s/
14 Julia M. Adams
15 Attorneys for JAREK MOLSKI and
16 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES:HELPING YOU HELP
OTHERS

17 Dated: August 16, 2005

18 BASKIN & GRANT, LLP

19 By: _____/s/
20 Caleb S. Baskin
21 Attorneys for Defendants GEORGE OW, JR.,
22 DAVID L. OW and TERRY L. OW, as trustees of
the OW CHILDREN'S TRUST, dated December
23, 1993

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1 Dated: August 16, 2005

2 HARRINGTON, FOXX, DUBROW & CANTER,
3 LLP

4 By: _____/s/_____

5 Henry A. Wirta, Jr.
6 Attorneys for Defendants TINY'S
7 RESTAURANTS, INC., and TINY'S
8 RESTAURANTS, LLC.

9 **ORDER**

10 IT IS SO ORDERED.

11 Dated: October 6, 2005

12 /s/ Ronald M. Whyte

13 _____
14 Ronald M. Whyte
15 United States District Judge